

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

David Anthony Babb,	)	
	)	
Plaintiff,	)	C.A. No. 6:97-1553-HMH
	)	
vs.	)	
	)	<b>OPINION &amp; ORDER</b>
Drug Enforcement Administration and	)	
William Lunsford, Seizing DEA Agent,	)	
	)	
Defendants.	)	

This matter is before the court on remand from the United States Court of Appeals for the Fourth Circuit. On August 26, 2005, the Fourth Circuit found that “the district court prematurely ordered that [currency seized by the Government] be returned to [David Anthony] Babb without determining whether he was lawfully entitled to it.” Babb v. United States Drug Enforcement Admin., Nos. 04-1528, 04-1902, 2005 WL 2053349, at \*8 (4th Cir. Aug. 26, 2005) (unpublished). Accordingly, the Fourth Circuit vacated the district court’s entry of judgment in favor of awarding David Anthony Babb (“Babb”) the \$57,960.00 which had been previously seized, and remanded the case for further proceedings.

Consistent with the Fourth Circuit’s opinion, Babb has fifteen (15) days from the date of this order to initiate “a civil equitable motion . . . alleg[ing] a lawful right to possession” of the seized money. Id. at \*3 (internal quotation marks omitted). Failure of Babb to file such a motion within the allotted time will act as a waiver of any right that Babb may have to seek

repossession of the seized money.

**IT IS SO ORDERED.**

s/ Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
November 4, 2005